

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1058

Introduced by Assembly Members Laird and Lieu

February 23, 2007

An act to add Part 5.5 (commencing with Section 71450) to Division 34 of the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL’S DIGEST

AB 1058, as amended, Laird. Green building construction: best practices.

Existing law sets forth various requirements for energy and design efficiency in the construction and renovation of state buildings.

This bill would require the California Environmental Protection Agency, by July 1, 2009, in conjunction with a specified working group of certain state entities that it would coordinate, *and, in consultation with specified public and private sector organizations*, to develop, adopt, and make available a set of voluntary green building “best practices” for residential home construction. ~~The bill would require the best practices developed by the agency to~~ *that* include measures regarding energy, water, materials, and resources efficiency, indoor environmental quality, innovation and design process, *nonmotorized transportation*, and a method for determining life-cycle cost. ~~The bill would require the agency to consult with specified public and private sector organizations. The bill would require the agency, and other specified entities, in developing and adopting the best practices, would be required to consider certain aspects of existing relevant guidelines. Concurrent with the development of the best practices, specified state entities would be required to determine appropriate minimum standards for the above~~

measures. The agency would be required to develop a comprehensive set of minimum standards for sustainable homes and would be authorized to prioritize competing aspects of sustainability to ensure a balanced home in all aspects of a sustainable and environmentally sound home.

The bill would require the agency to develop an education program to inform local entities of the benefits of green building, and to encourage the use of the best practices.

~~The bill would require the California Building Standards Commission to review the best practices and to determine whether to include them in the California Building Standards Code agency, beginning July 1, 2011, to conduct a public review to determine the level of use and the effectiveness of the best practices and minimum standards in a representative sampling of home construction. The agency would be authorized to amend the best practices and minimum standards, as deemed necessary, based on this review.~~

The bill would require the agency, on or before July 1, 2012, to submit the revised minimum standards to the California Building Standards Commission for adoption by that commission in the California Building Standards Code. The commission would be prohibited from reducing the minimum standards proposed by the agency but would be authorized to revise those standards. New homes that are constructed on or after July 1, 2013, would be required to meet the minimum standards that are adopted by the California Building Standards Commission. If the commission fails to adopt standards for sustainable and environmentally sound homes on or before July 1, 2013, all new home construction would be required to comply with the revised standards until the commission adopts specified standards for sustainable and environmentally sound homes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Part 5.5 (commencing with Section 71450) is
- 2 added to Division 34 of the Public Resources Code, to read:

PART 5.5. GREEN BUILDINGS

71450. The Legislature ~~hereby~~ finds and declares all of the following:

(a) In 2006, the state had approximately 13 million existing housing units, and in 2003, construction investment in the state for new residential housing totaled thirty-four billion dollars (\$34,000,000,000).

(b) The building of a 2,000-square-foot home generates three to five tons of construction waste. Cumulatively, California residences use approximately 5.6 million acre-feet of applied water annually, and the residential sector accounts for roughly 31 percent of the electricity consumed in the state.

(c) The state is committed to providing leadership on energy, environmental, and public health issues by implementing innovative and resource-efficient building design practices and other programs that improve the lives of the state's 34.5 million residents.

(d) Green building practices utilize energy, water, and materials efficiently throughout the building life cycle, enhance indoor air quality, incorporate environmentally preferable products, and protect the building occupants' health.

(e) The widespread adoption of green building principles would result in significant long-term benefits to the state's environment, including reduction in the demand for energy, water, and waste stream services, and the fiscal and environmental impacts resulting from the expansion of these infrastructures.

71450.5. It is the intent of the Legislature, in enacting this part, to recognize that no one set of existing green building practices may encompass the state's unique economic and natural resources-related environment. It is further the intent of the Legislature to ensure that the *standards and* best practices adopted pursuant to this part recognize California's leadership in environmental sustainability practices and include the most rigorous measures and methods possible with regard to the factors specified in subdivision (a) of Section 71452.

71451. For purposes of this part, the following definitions apply:

(a) "Agency" means the California Environmental Protection Agency.

1 (b) “Best practices” means green building best practices for
2 residential home construction that include, but are not limited to,
3 all of the following:

4 (1) Energy efficiency, conservation, or renewable generation
5 measures.

6 (2) Water efficiency, conservation, and reuse measures.

7 (3) Materials and resources efficiency, conservation, and reuse
8 measures.

9 (4) Indoor environmental quality measures, including indoor
10 air quality.

11 (5) Innovation and design processes.

12 (6) Nonmotorized transportation.

13 (7) A method for determining life-cycle cost, including
14 evaluating the relative effectiveness, cost, and life-cycle savings,
15 if any, by the use of the individual or multiple green building
16 measures specified in paragraphs (1) to (6), inclusive.

17 ~~(b)~~

18 (c) “Green building” means a project designed to reduce both
19 direct and indirect environmental consequences associated with
20 its construction, use, operation, maintenance, and eventual
21 decommissioning, the design of which is evaluated for cost,
22 quality-of-life impacts, future flexibility, ease of maintenance,
23 energy and resource efficiency, and overall environmental impact,
24 with an emphasis on life-cycle cost analysis.

25 71452. (a) On or before July 1, 2009, the agency, with the
26 working group that it coordinates pursuant to subdivision (b), shall
27 develop, adopt, and make available, a set of ~~voluntary green~~
28 ~~building “best practices” for residential home construction~~
29 ~~voluntary best practices. The best practices developed pursuant~~
30 ~~to this part shall include, but not be limited to, all of the following:~~

31 ~~(1) Energy efficiency, conservation, or renewable generation~~
32 ~~measures:~~

33 ~~(2) Water efficiency, conservation, and reuse measures:~~

34 ~~(3) Materials and resources efficiency, conservation, and reuse~~
35 ~~measures:~~

36 ~~(4) Indoor environmental quality measures, including indoor~~
37 ~~air quality:~~

38 ~~(5) Innovation and design process:~~

39 ~~(6) A method for determining life-cycle cost, including~~
40 ~~evaluating the relative effectiveness, cost, and life-cycle savings,~~

1 ~~if any, by the use of the individual or multiple green building~~
2 ~~measures specified in paragraphs (1) to (5), inclusive.~~

3 (b) (1) To develop the voluntary best practices pursuant to this
4 part, the agency shall coordinate a working group consisting of a
5 multiagency effort, including, but not limited to, all of the
6 following state entities:

7 (A) The California Integrated Waste Management Board.

8 (B) The State Energy Resources Conservation and Development
9 Commission.

10 (C) The State Air Resources Board.

11 (D) The Department of Water Resources.

12 (E) The Department of Housing and Community Development.

13 (F) The Department of General Services.

14 (G) The California Building Standards Commission.

15 (2) The agency and each state entity specified in paragraph (1)
16 shall also consult with representatives from each of the following:

17 (A) The building construction industry.

18 (B) Recognized environmental advocacy groups.

19 (C) Interested local government entities.

20 (D) Interested public parties.

21 (c) Each state entity specified in paragraph (1) of subdivision
22 (b) shall take the lead in developing the best practices related to
23 its particular area of expertise. *The agency shall be responsible*
24 *for coordinating the integration of the separate aspects provided*
25 *by each state entity into the best practices.*

26 ~~(d) (1) The agency shall be responsible for coordinating the~~
27 ~~integration of the separate aspects provided by each state entity~~
28 ~~specified in paragraph (1) of subdivision (b) into the voluntary~~
29 ~~residential green building best practices.~~

30 *(d) (1) Each state entity specified in paragraph (1) of*
31 *subdivision (b) shall also determine the appropriate minimum*
32 *standards related to its area of expertise pertaining to best*
33 *practices that shall be met to consider a residence to be sustainable*
34 *and environmentally sound. Aspects of the best practices shall*
35 *provide methods for achieving and exceeding these minimum*
36 *standards.*

37 *(2) The agency shall be responsible for coordinating the*
38 *integration of the separate minimum standards determined*
39 *pursuant to paragraph (1) into a set of comprehensive minimum*
40 *standards for sustainable and environmentally sound homes. In*

1 *creating the minimum standards, the agency has the authority to*
2 *prioritize competing minimum standards to ensure a balanced*
3 *home in all aspects of a sustainable and environmentally sound*
4 *home.*

5 ~~(2) (A)–~~

6 *(e) (1) Following the agency’s coordination efforts, and prior*
7 *to final adoption of best practices the best practices and minimum*
8 *standards, the California Building Standards Commission shall*
9 *review all aspects of the best practices and minimum standards to*
10 *ensure nothing falls below, or is in conflict with, the standards*
11 *required in the California Building Standards Code (Title 24 of*
12 *the California Code of Regulations).*

13 ~~(B) Pursuant to Section 18930 of the Health and Safety Code,~~
14 ~~the California Building Standards Commission shall determine~~
15 ~~whether to include the voluntary best practices in the California~~
16 ~~Building Standards Code.~~

17 *(2) Each state entity specified in paragraph (1) of subdivision*
18 *(b) shall provide to the California Building Standards Commission*
19 *and the agency an analysis of their proposed best practices and*
20 *minimum standards that include all of the following:*

21 *(A) Potential overlap with other agencies’ jurisdiction.*

22 *(B) Assurance that all aspects exceed existing standards in the*
23 *California Building Standards Code (Title 24 of the California*
24 *Code of Regulations).*

25 *(C) Justification of the best practices and minimum standards*
26 *developed pursuant to this section.*

27 ~~(e)~~

28 *(f) In developing and adopting voluntary best practices the*
29 *voluntary best practices and minimum standards pursuant to this*
30 *part, all entities involved shall consider those aspects of existing*
31 *relevant guidelines that maximize the measures and methods*
32 *identified in subdivision (a). These existing relevant guidelines*
33 *shall include, but are not limited to, all of the following:*

34 *(1) The United States Green Building Council’s Leadership in*
35 *Energy and Environmental Design (LEED) for Homes rating*
36 *system.*

37 *(2) The 2005 Build It Green “New Home Construction Green*
38 *Building Guidelines.”*

39 *(3) The EarthCraft House program of Atlanta, Georgia.*

40 *(4) The Built Green program of the Seattle Master Builders.*

1 (5) The Model Green Home Building Guidelines of the National
2 Association of Home Builders (NAHB).

3 ~~(f) (1) The agency may revise, if deemed necessary by the~~
4 ~~agency, the best practices developed pursuant to this part, in~~
5 ~~consultation with the working group specified in subdivision (b).~~

6 ~~(2) The agency shall not make changes more than once per~~
7 ~~calendar year, and, to the extent practicable, shall coincide those~~
8 ~~changes with the timing of review of the California Building~~
9 ~~Standards Code.~~

10 (g) The agency shall develop an education program to inform
11 local entities of the benefits of green building, and encourage the
12 use of the best practices for residential construction. The education
13 program shall include information on how to best utilize the best
14 practices for new construction as well as existing homes.

15 *71453. (a) Beginning July 1, 2011, the agency shall conduct*
16 *a public review of the best practices and minimum standards*
17 *developed pursuant to Section 71452 with representatives from*
18 *the state entities set forth in paragraph (1) of subdivision (b) of*
19 *Section 71452 and from the residential construction industry to*
20 *determine the level of use and effectiveness of the best practices*
21 *and minimum standards in a representative sampling of residential*
22 *construction. The agency may amend the best practices and*
23 *minimum standards, as deemed necessary, based on the review.*

24 *(b) On or before July 1, 2012, the agency shall submit the*
25 *revised minimum standards to the California Building Standards*
26 *Commission for adoption by that commission in the California*
27 *Building Standards Code (Title 24 of the California Code of*
28 *Regulations) pursuant to the State Building Standards Law (Part*
29 *2.5 (commencing with Section 18901) of Division 13 of the Health*
30 *and Safety Code). The California Building Standards Commission*
31 *may revise but shall not reduce the minimum standards submitted*
32 *by the agency.*

33 *(c) (1) On and after July 1, 2013, all new homes shall be*
34 *constructed to meet the minimum standards adopted by the*
35 *California Building Standards Commission pursuant to subdivision*
36 *(b).*

37 *(2) If the California Building Standards Commission fails to*
38 *adopt standards for sustainable and environmentally sound homes*
39 *pursuant to subdivision (b) before July 1, 2013, all new homes*
40 *constructed on or after July 1, 2013, shall meet the minimum*

1 *standards established pursuant to subdivision (a) until the time*
2 *that the California Building Standards Commission adopts*
3 *standards for sustainable and environmentally sound homes that*
4 *are at least as stringent as the minimum standards established*
5 *pursuant to subdivision (a).*

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